

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7065

BILL NUMBER: SB 316

NOTE PREPARED: Jan 30, 2004

BILL AMENDED: Jan 29, 2004

SUBJECT: Employment Absence for Volunteer Firefighters.

FIRST AUTHOR: Sen. Lewis

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits a political subdivision from disciplining an employee who is a volunteer firefighter for being absent from employment when the employee is responding to a fire or emergency call. It allows the employee to initiate a civil action against a political subdivision employer who disciplines the employee for this reason. The bill also authorizes a political subdivision employer to request proof that the employee was engaged in fire or emergency activity when absent and to charge the time away from employment against hours worked or salary of the employee.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill allows an employee of a political subdivision, who volunteers as a firefighter and is disciplined for being absent from work because of responding to a fire or emergency, to bring a civil action against the political subdivision employer. In the action, the employee may seek payment for back wages, reinstatement to a former position, fringe benefits, and seniority benefits wrongly denied the employee.

Court Fee Revenue: If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Political subdivisions; trial courts; and city and town courts.

Information Sources:

Fiscal Analyst: Valerie Ruda, 317-232-9867.